

## **PLAN COMMISSION OF THE CITY OF HUDSON, WISCONSIN**

**Tuesday, February 26, 2019 6:00 p.m.  
Council Chambers of City Hall, 505 Third Street**

### **AGENDA**

(Click on agenda items highlighted in blue to access documents related to that item)

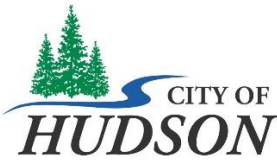
1. Call to Order
2. [Discussion and possible action on January 22, 2019 meeting minutes](#)
3. New Business
  - ~~A. Discussion and possible action on a recommendation to Council on a zoning map amendment from B-2, General Business to PRD-3, Planned Residential Development and a comprehensive plan amendment from General Commercial to High Density Residential~~
  - ~~B. Public hearing on a conditional use permit (CUP) application for a planned residential development preliminary master plan at St. Croix County tax parcel 236-1975-16-000 — Gerrard Development, LLC~~
  - ~~C. Discussion and possible action on a conditional use permit (CUP) application for a planned residential development preliminary master plan at St. Croix County tax parcel 236-1975-16-000 — Gerrard Development, LLC~~
  - ~~D. Discussion and possible action on concept development plans for The Maxwell Phase II at St. Croix County tax parcel 236-1975-16-000 — Gerrard Development, LLC~~

*Items 3A-D: Applications withdrawn by applicant on 2/25/2019.*

  - E. [Discussion and possible action on the continuation of a certificate of compliance for a multi-use CrossFit gym and additional fitness/recreational uses at 2801 Harvey Street – C1-Athletics – CrossFit St. Croix](#)
  - F. [Discussion and possible action on downtown design review of Wells Fargo at 600 Second Street](#)
  - G. [Discussion and possible action on recommendation to Council on temporary zoning for those lands included in the Hearth Development LLC/Atwood Revocable Trust petition for direct annexation by unanimous approval, parcels 020-1085-30-000 and 020-1085-20-000.](#)
4. Unfinished Business
  - A. [Discussion and possible action on recommending the Common Council set a public hearing date for an amendment to Municipal Code, Chapter 255, Zoning to include small animal or reptile education businesses](#)
5. Communications and Items for Future Agendas
6. Adjournment

Emily Sorenson, Acting Secretary

Posted in City Hall lobbies and emailed to *Hudson Star-Observer* on 2/22/19 – Updated 2/25/19



REGULAR MEETING OF THE PLAN COMMISSION  
CITY OF HUDSON  
Tuesday, January 22, 2019

The Plan Commission meeting was called to order by Chairman O'Connor at 6:08 p.m.

PRESENT. Pat Casanova (arrived at 6:10 p.m.), Randy Morrisette, Rich O'Connor, Kurt TeWinkel, and Fred Yoerg.

ABSENT. Mary Claire Potter and Frank Rhoades.

OTHERS PRESENT. Tom Tomaro, Larry Offerman, Emily Sorenson, Tiffany Weiss, and others present.

Discussion and possible action on December 18, 2018 meeting minutes. Motion by Yoerg, seconded by TeWinkel to approve the minutes of the December 18, 2018 Plan Commission meeting. All ayes (4). Motion Carried.

**NEW BUSINESS.**

Public hearing on the continuation of the conditional use permit (CUP) for a seasonal/temporary garden center at 1800 Ward Avenue – Plant Place Inc. Chairman O'Connor opened the public hearing and asked for comments. No public comments were made. Tiffany Weiss noted that staff had not received any phone calls or comments from neighboring properties. Motion by Yoerg, seconded by Morrisette to close the public hearing. All Ayes (4). Motion Carried.

Discussion and possible action on the continuation of the conditional use permit (CUP) for a seasonal/temporary garden center at 1800 Ward Avenue – Plant Place Inc. Weiss reviewed the staff report highlighting Plant Place's operation time between mid-April to mid-July. Motion by Yoerg, seconded by Morrisette to approve the conditional use permit continuation for a seasonal/temporary garden center with the following condition(s):

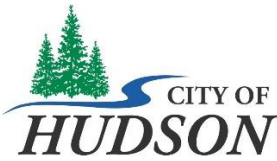
1. Limited to a period of April 15 to July 10 of each year.
2. Any signage to be approved by the Community Development Department each year.
3. That the permit be reviewed in five (5) years.
4. That the applicant adheres to all state, federal, and local permitting requirements.

All Ayes (4). Motion Carried.

Public hearing on the continuation of the conditional use permit (CUP) for an outdoor sales area at 1301 Gateway Circle – Offerman Enterprises, LLC Chairman O'Connor opened the public hearing and asked for comments. No public comments were made.

Commission member Casanova arrived at 6:10 p.m.

Weiss stated that staff had received one inquiry call. Sorenson added that the call was from a neighboring resident asking for general information about the conditional use permit and that they had no issues with the Offerman Enterprises operation to date. Motion by Morrisette, seconded by Yoerg to close the public hearing. All Ayes (5). Motion Carried.



REGULAR MEETING OF THE PLAN COMMISSION  
CITY OF HUDSON  
Tuesday, January 22, 2019

Discussion and possible action on the continuation of the conditional use permit (CUP) for an outdoor sales storage area at 1301 Gateway Circle – Offerman Enterprises, LLC

Weiss reviewed the staff report and stated that the applicant is requesting the continuation of the conditional use permit. No issues have been reported to City staff. Yoerg confirmed that the parking stalls are all off-street parking stalls. Yoerg stated the location is out of the way and has been a non-issue location. Sorenson stated that the applicant was in the audience if the Plan Commission had any specific questions. The applicant, Larry Offerman, confirmed that a five-year review would be acceptable. Motion by Yoerg, seconded by Casanova to approve the continuation of a conditional use permit for an outdoor sales storage area with the following condition(s):

1. That sales items shall not be displayed outdoors for more than three (3) weeks.
2. That the storage area consists of up to 10 parking stalls.
3. That the permit be reviewed in five (5) years.
4. That the applicant adheres to all state, federal, and local permitting requirements.

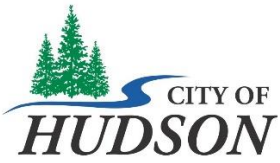
All Ayes (5). Motion Carried.

Discussion and possible action on downtown design review of Hudson Tap at 417 Second Street

Weiss reviewed the staff report for the building and façade changes to the former Rio Loco restaurant site. Morrisette noted that he has only heard positive responses to the proposed changes. A member of the applicant group, Tom Tomaro, confirmed the awning color will be changed to black. Yoerg stated that small signs have been encouraged in the downtown area to keep an “old town” feel. Yoerg continued to request if it was possible to reduce the size of the main exterior sign. Tomaro stated that multiple sizes had been considered and they felt that the size presented fit best. Discussion was continued regarding sign size. O'Connor inquired to the reported complaints of the former Rio Loco's façade. Morrisette stated that there were complaints about the building color. Casanova stated that the downtown overlay district criteria may not be restrictive enough. Discussion was held regarding the previous building facades. O'Connor inquired if the proposed color could be darkened more. Tomaro expressed that multiple buildings in the downtown area are a similar color. Discussion was held regarding the possibility of darkening the color. O'Connor inquired as to why Rio Loco was not successful and the offerings at the Hudson Tap. Tomaro stated that Rio Loco was successful during the tourism season, but business dropped during the fall and winter. Tomaro continued to state that Hudson Tap will be a sports bar offering retro and modern games. Motion by Morrisette, seconded by Yoerg to approve the downtown design review for Hudson Tap at 417 Second Street with the condition that a darker paint scheme be submitted by Council review. All Ayes (5). Motion Carried.

Discussion and possible action on recommending the Common Council set a public hearing date for an amendment to Municipal Code, Chapter 255, Zoning to include small animal or reptile education businesses.

Weiss stated that there has been inquiries from persons interested in developing small animal and reptile educational facilities and city code does not address if the use is permitted. Yoerg stated that more details in the type of business. Discussion was held regarding animal sales and businesses, animal containment and cruelty, and compliance with the DNR. Yoerg requested examples of similar businesses in other cities. Motion by Yoerg, seconded by Casanova to direct staff to acquire more details on the proposed business including purpose and intent and to research similar codes in other cities.



REGULAR MEETING OF THE PLAN COMMISSION  
CITY OF HUDSON  
Tuesday, January 22, 2019

Discussion: TeWinkel asked if code addresses zoos. Weiss indicated that code does not address zoo uses. Casanova stated that the primary business use is important inquiring if education would be primary compared to other uses such as sales. Sorenson stated that the code amendment is intended to address a gap in code which does not address animal business uses and would not be intended to be tailored to an individual business. All Ayes (5). Motion Carried.

**UNFINISHED BUSINESS.**

None.

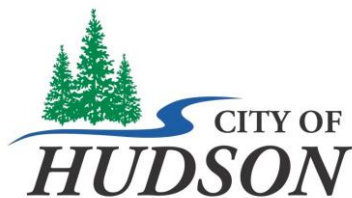
**COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS.**

None.

**ADJOURNMENT.**

Motion by Yoerg, seconded by TeWinkel to adjourn at 6:45 p.m. All ayes (5). Motion Carried.

Respectfully submitted,  
Emily Sorenson, Acting Secretary



505 Third Street  
Hudson, Wisconsin 54016-1694  
FAX: (715)386-3385  
www.ci.hudson.wi.us

Mike Johnson  
*Community Development Director*  
mjohnson@ci.hudson.wi.us  
(715)386-4776, ext. 166

Tiffany Weiss  
*Associate City Planner*  
tweiss@ci.hudson.wi.us  
(715)386-4776, ext. 161

Emily Sorenson  
*Community Development Clerk*  
esorenson@ci.hudson.wi.us  
(715)386-4776, ext. 116

**NOTICE OF PUBLIC HEARING  
PLAN COMMISSION, CITY OF HUDSON, WISCONSIN**

NOTICE IS HEREBY GIVEN, that the Plan Commission of the City of Hudson, Wisconsin will conduct a public hearing on Tuesday, February 26, 2019, 6:00 p.m., City Hall Council Chambers, 505 Third Street, Hudson, Wisconsin to invite public comment in regard to a proposed conditional use permit application for a planned residential development preliminary master plan. The application for a conditional use permit, submitted by Gerrard Development, LLC, proposes a multi-family residential development including two apartment buildings. The subject area is known as St. Croix County tax parcel 236-1975-16-000 and is generally located southeast of Maxwell Drive, City of Hudson, St. Croix County, Wisconsin. Comments or questions may be forwarded to Mike Johnson, Community Development Director, City Hall, 505 Third Street, Hudson, Wisconsin, 715-386-4776.

Dated this 31<sup>st</sup> day of January, 2019  
Emily Sorenson, Community Development Clerk

Publish Class II notice, February 7 & 14, 2019 in *Hudson Star-Observer*; send affidavit of publication

Forwarded to Star-Observer, 1-31-19,  
Posted in city hall lobbies, 1-31-19

cc:	Johnson	Rogers
	Munkittrick	Willi
	O'Connor	Plan Commission

*Application withdrawn by applicant on 2/25/2019.*



505 Third Street  
Hudson, Wisconsin 54016  
ph: (715)-386-4765 fx: (715)386-3385  
www.ci.hudson.wi.us

**TO:** Plan Commission

**FROM:** Community Development

**DATE:** February 26, 2019

**SUBJECT:** Continuation of a certificate of compliance for a multi-use CrossFit gym and additional fitness/recreational uses at 2801 Harvey Street – C1-Athletics – CrossFit St. Croix

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**BACKGROUND:**

In 2018, C1 Athletics – CrossFit St. Croix received a certificate of compliance for a CrossFit gym and additional fitness/recreational related ancillary uses, to be located at 2801 Harvey Street. Zoning code does not specifically address this specific type of use therefore a certificate of compliance was required to authorize this facility as a multi-use building. Staff has not received any comments from neighboring properties.

**STAFF RECOMMENDATION:**

Recommends approval of the certificate of compliance with conditions.

**ACTION REQUESTED:**

Approve the certificate of compliance with the following conditions:

- That the applicant adheres to all state, federal and local permitting requirements.
- That the certificate of compliance be issued specific to a multi-use building as proposed by the applicant to be located at 2801 Harvey Street.
- That the mezzanine be completed to be fit for occupation and a handicap parking space be identified as required by the project permit (City of Hudson Building Permit 2018-00065).
- That the certificate of compliance be reviewed by the Plan Commission and Common Council in twelve months.

**ATTACHMENTS:**

2019 Applicant Narrative  
2018 Conditional Use Permit  
2018 C1 Athletics - CrossFit St. Croix Application

Prepared by: Emily Sorenson, Community Development Clerk  
Through: Mike Johnson, AICP, Community Development Director

**2019 Update  
Certificate of Compliance Review**

C1 Athletics - CrossFit St. Croix is an existing business that has been providing fitness and nutrition services to Hudson, WI and the surrounding area for the past five and half years. C1 Athletics - CrossFit St. Croix located at 2801 Harvey Street, Hudson, WI is a Fitness and Wellness center with CrossFit as the core fitness program. In addition to CrossFit, the building has indoor turf and batting cages, chiropractic care, massage therapy and a salon and working on a coffee shop area.

The parking lot for the building was resurfaced and additional parking spaces were added in the summer of 2018. The parking lot now has 34 spaces, which accommodates the classes and services offered in the building.

Lucas Woodland  
President & CEO  
C1 Athletics - CrossFit St. Croix  
2801 Harvey Street  
Hudson, WI 54016



**CITY OF HUDSON  
CERTIFICATE OF ZONING COMPLIANCE  
Municipal Code Chapter 255, § 255-24/§ 255-77**

**Application No. 18-005**

**DATE OF APPLICATION:** January 19, 2018

**APPLICANT:** Teel Management, LLC for C1-Athletics- CrossFit St. Croix (Lucas Woodland)

**MAILING ADDRESS:** 2801 Harvey Street, Hudson, WI 54016

**PHONE NUMBER:** 651-325-8710

**SITE LOCATION:** 2801 Harvey Street

**SCOPE OF CERTIFICATE (USE):**

Multi-use CrossFit gym and additional fitness/recreational related ancillary uses.

**CONDITIONS OF APPROVAL:**

Approval is granted as proposed with the following conditions:

- That the applicant adheres to all state, federal and local permitting requirements.
- That the certificate of compliance be issued specific to a multi-use building as proposed by the applicant to be located at 2801 Harvey Street.
- That the certificate of compliance be reviewed by the Plan Commission and Common Council twelve months after initial approval by the Common Council.

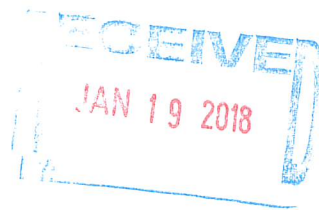
**PERMIT CONSIDERATION:**

Plan Commission:   Approved    1/23/2018

Common Council:   Approved    2/5/2018



CITY OF HUDSON, WI



Application for **CERTIFICATE OF COMPLIANCE**  
(As per Municipal Code §§ 255-77)

Date January 19, 2018

Applicant Name Teel Management, LLC

Mailing Address 2801 Harvey Street  
Hudson, WI 54016

Phone/Fax Number 651-325-8710

Email Lucas.Woodland@cfstcroix.com

Project Name C1 Athletics - Cross Fit St. Croix

Project Location 2801 Harvey Street  
Hudson, WI 54016  
See Attached **ADDENDUM A**

FILING FEE \$200.00

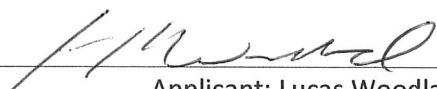
REVIEW DEPOSIT \$200.00

**TOTAL PAYMENT** **\$400.00**

Number of plan copies to be submitted:

(7) 24" x 36"

(1) 11" x 17"

  
Applicant: Lucas Woodland

Application # 18-005 Receipt # 63071 Date 01-25-18

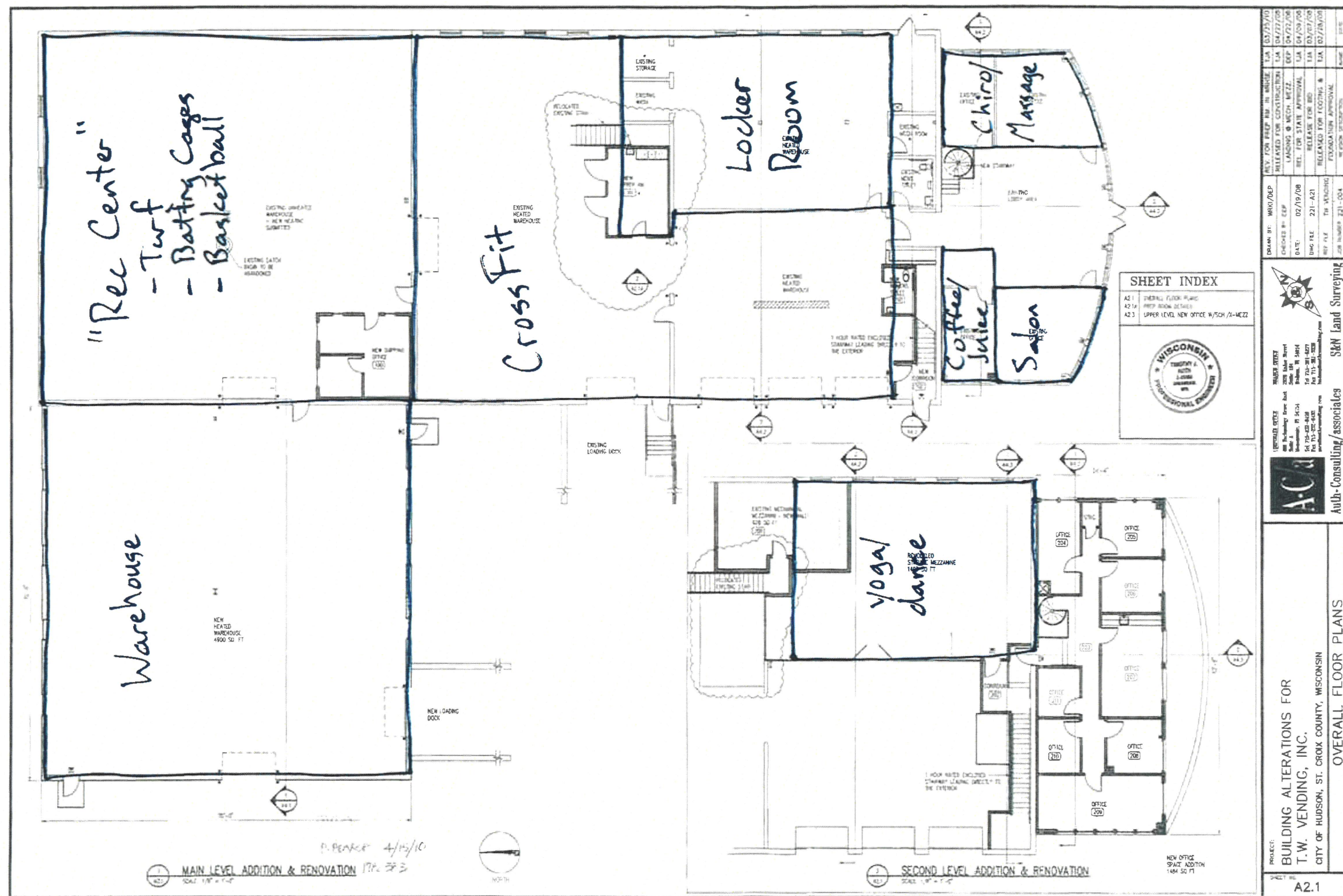
## **ADDENDUM A**

The applicant has entered into a Lease Agreement for the premises located at 2801 Harvey Street, Hudson, Wisconsin 54016. The applicant currently operates a CrossFit gym which is located at 1301 Gateway Circle, Suite 500, Hudson, Wisconsin 54016. CrossFit is a group fitness programs that utilizes constantly varied, high intensity functional movements to provide our members with superior results. CrossFit focuses on creating a strong and supportive community that helps people of all ages and ability levels.

CrossFit St. Croix is an existing business that has been providing fitness and nutrition services to Hudson, WI and the surrounding area for the past four and half years. The company has recently rebranded to C1 Athletics – CrossFit St. Croix to better define the company as a Fitness and Wellness center with CrossFit as the core fitness program. The applicant intends to relocate the business to the new address on Harvey Street, and continue with the CrossFit business. In addition, the applicant intends to have ancillary services offered in the building including variety of fitness classes (yoga, zumba, etc.), indoor turf field and batting cages, sports massage, chiropractic care, a coffee shop/juice bar, and salon.

The attached rendering depicts the footprint of the property, and the locations of the various types of services and uses are more fully depicted therein.

There is more than sufficient parking for the intended uses, with 22 total spaces available. A typical class size is 10 - 14 individuals.



PROJECT:		DRAWN BY: WKO/DEP		DATE: 03/25/10	
BUILDING ALTERATIONS FOR		CHECKED BY: DEP		DATE: 03/25/10	
T.W. VENDING, INC.		DESIGNED BY: DEP		DATE: 03/25/10	
CITY OF HUDSON, ST. CROIX COUNTY, WISCONSIN		RELEASED BY: DEP		DATE: 03/25/10	
OVERALL FLOOR PLANS		RELEASED FOR FLOORING: DEP		DATE: 03/25/10	
Auth-Consulting/associates		FINANCIAL APPROVAL: DEP		DATE: 03/25/10	
S&M Land Surveying		JOB NUMBER: 221-A21		DATE: 03/25/10	



505 Third Street  
Hudson, Wisconsin 54016  
ph: (715)-386-4765 fx: (715)386-3385  
[www.ci.hudson.wi.us](http://www.ci.hudson.wi.us)

**TO:** Plan Commission

**FROM:** Community Development

**DATE:** February 26, 2019

**SUBJECT:** Discussion and possible action on downtown design review of Wells Fargo at 600 Second Street

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**BACKGROUND:**

Central Roofing Company on behalf of Wells Fargo has submitted a Downtown Certificate of Design Review application for the Wells Fargo building located at 600 Second Street. Wells Fargo is proposing to replace their roof system due to water ponding and to meet energy code. Due to the new insulation design, the insulation will be above the current elevation of the screen wall. Wells Fargo is proposing to remove the screen wall. Central Roofing Company has provided a detailed narrative along with current and proposed building images.

**STAFF RECOMMENDATION:**

Recommends the Plan Commission approve the certificate of design review application.

**ACTION REQUESTED:**

Approve the certificate of design review.

**ATTACHMENTS:**

Certificate of Design Review Application  
Project Narrative and Roof Plan  
Current and proposed design photographs

Prepared by: Emily Sorenson, Community Development Clerk  
Through: Mike Johnson, AICP, Community Development Director



# CENTRAL

## ROOFING COMPANY

- Since 1929 -

January 29, 2019

City of Hudson  
505 3rd Street  
Hudson, WI 54016

Attn: City of Hudson-Plan Commission

**RE: Roof Replacement**  
Wells Fargo-Hudson  
600 Second Street  
Hudson, WI 50346

Wells Fargo has expressed their intent to contract with Central Roofing to replace the roof systems on their Hudson, WI bank facility to include the siding on the drive through.

Currently the existing roof deck is flat and the existing roof ponds water. Plus the existing insulation does not meet the energy code. Therefore the new design includes tapered insulation that increases the average R-value to 30. However, the perimeter edge of this roof has an equipment fence structure that is clad with copper panels. The fence is supported by tube steel that penetrates the roof system and is attached to the roof structure. The structural cross members attached to the tube steel for the equipment fence currently set approximately 5 inches above the existing roof membrane.





The new insulation design will increase the thickness of the insulation up to 5" which will be above the current elevation of the base of the equipment screen wall.

The existing equipment is located towards the middle of the roof and is not elevated above the roof surface more than 4'. Therefore we have proposed to permanently remove the equipment screen wall. Due to the placement and height of the rooftop equipment it is unlikely that it could be observed from the ground elevations adjacent to the facility after the equipment screen wall is removed.

We did review the possibility of attempting to raise the screen wall but due to its construction it would be a difficult task to accomplish and thus not cost effective.

For your consideration, before and after photographs have been attached for the three affected elevations (North, South & West). We have also included a copy of the roof plan which includes the locations of the roof top equipment.

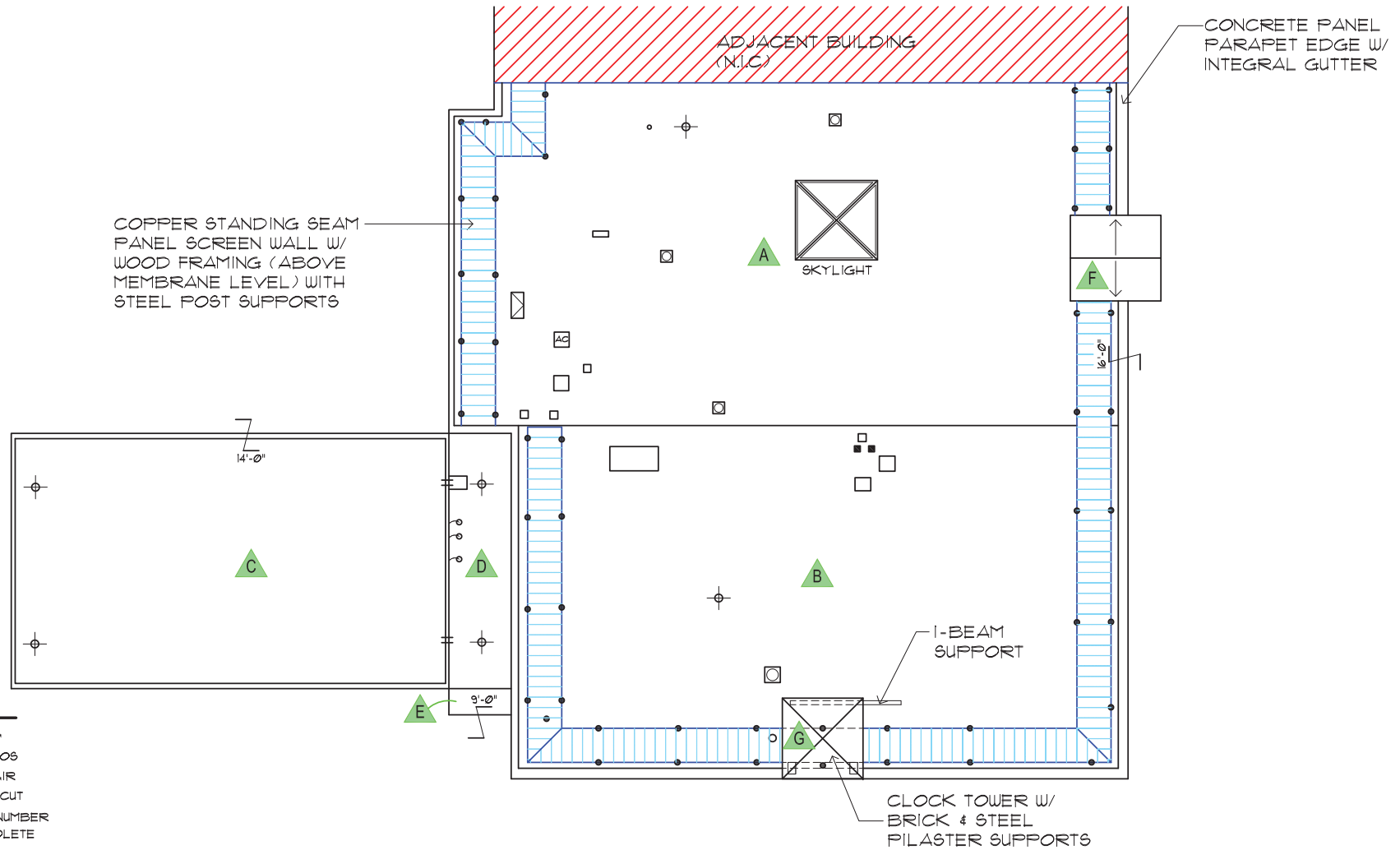
Please consider our scope of work for this project and let us know if the change is acceptable to the city.

Thanks,

**Jon Meyer**

**Central Roofing Company**  
**WBE Certified – 2015**

4550 Main Street NE  
Minneapolis, MN 55421  
763-572-0660 – Office  
763-252-2267 – Direct Dial  
612-408-1363 – Cell Phone  
763-572-0230 – Fax  
[www.centralroofing.com](http://www.centralroofing.com)



# KEY

- ▲ AREA
- PHOTOS
- REPAIR
- ◆ TEST CUT
- ▭ UNIT NUMBER
- OBSOLETE ITEMS

## ROOF PLAN

NOT TO SCALE



OWNER INFORMATION: CONTACT: SHARON VINCENT

WELLS FARGO PROPERTIES, INC.  
MAC N9311-012, 625 MARQUETTE AVENUE  
MINNEAPOLIS, MN 55402-2308

**CENTRAL**  
**ROOFING COMPANY**  
- Since 1929 -

4550 Main Street NE  
Minneapolis, MN 55421  
Phone (763) 572-0660

BOOK NO.: 367

UPDATE:

PAGE NO.:

WELLS FARGO BANK  
600 SECOND STREET  
HUDSON, WI 50146

1.0





NORTH ELEV - CURRENT CONDITIONS





NORTH ELEV - PROPOSED





SOUTH ELEV - CURRENT CONDITIONS





SOUTH ELEV - PROPOSED





WEST ELEV - CURRENT CONDITIONS



Google

WEST ELEV - PROPOSED





505 Third Street  
Hudson, Wisconsin 54016  
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**TO:** Plan Commission

**FROM:** Community Development

**DATE:** February 26, 2019

**SUBJECT:** Discussion and possible action on recommendation to Council regarding temporary zoning for those lands included in the Hearth Development LLC/Atwood Revocable Trust petition for direct annexation by unanimous approval, parcels 020-1085-30-000 and 020-1085-20-000.

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**BACKGROUND:**

Section 66.0217(8)(a) provides that an ordinance to approve an annexation petition may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a temporary classification, the proposed classification shall be referred to and recommended by the Plan Commission. Under Chapter 255, Article II, Section B of the City's Zoning Code all territory annexed to the City which at the time of annexation was not a part of the extraterritorial zoning area shall, at the time of annexation, receive a temporary zoning classification as authorized under s. 66.0217(8)(a).

The properties are currently zoned "Residence" under the Town of Hudson Zoning Code and include agricultural fields and are not located in any City extraterritorial zoning district. The one single family home was removed from the property in 2018.

Based on the existing uses of the property, City staff recommends temporarily zoning the properties in the Petition to the City's AR-Agricultural Residential zoning district as part of the annexation ordinance. The Agricultural Residential District is designed to provide for limited large lot, low-density residential development in a rural lifestyle, where agricultural uses can be continued and where orderly growth and sanitary facilities may be extended with zoning district changes at some future date. Future rezoning of the properties after annexation is anticipated to occur in conjunction with requests for future land divisions and site plan approvals. It is at that time that rezoning to residential, commercial, or planned development districts will be considered.

**STAFF RECOMMENDATION:**

Recommends temporarily zoning the properties in the Petition to the City's AR-Agricultural Residential zoning district.

**ACTION REQUESTED:**

Recommend the Common Council temporarily zone the properties in the Petition to the City's AR-Agricultural Residential zoning district as part of the annexation ordinance.

**ATTACHMENTS:**

Staff Report – Draft Chapter 9 Annexation Review

Prepared by: Emily Sorenson, Community Development Clerk  
Through: Mike Johnson, AICP, Community Development Director

Hearth Development LLC / Edna F.L. Atwood Revocable Trust  
Petition for Annexation  
City of Hudson  
Chapter 9 Annexation Review  
Staff Report  
February 5, 2019

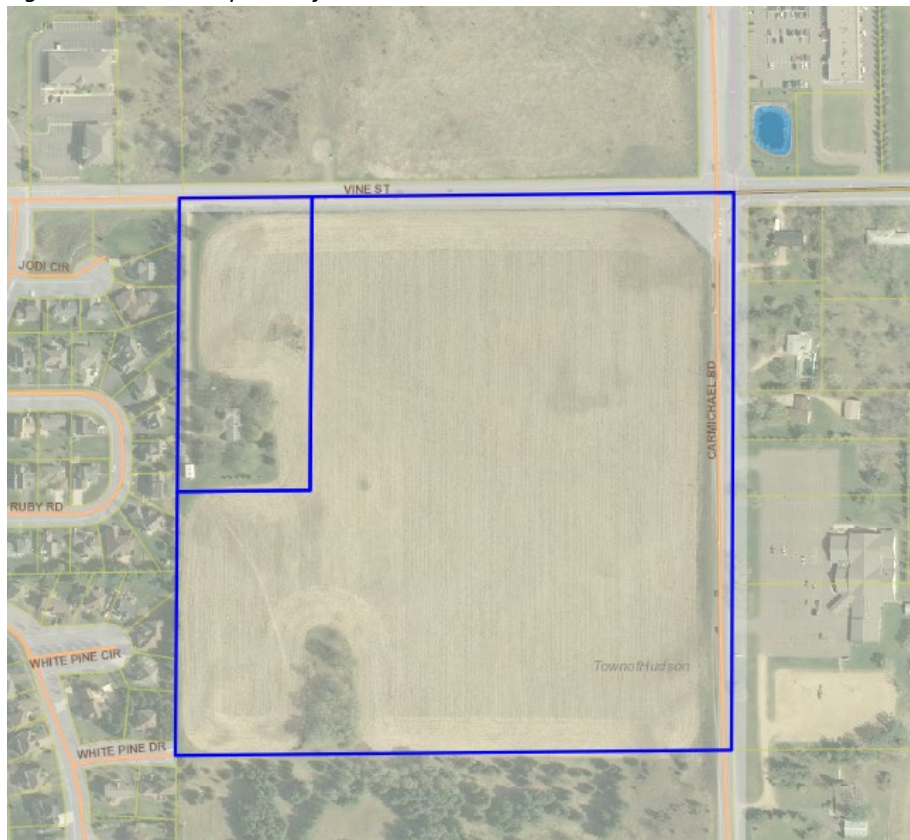
## Background

The City is in receipt of a petition for direct annexation by unanimous approval (herein the “Petition”) from Hearth Development LLC (Purchaser) and Edna F. L. Atwood Revocable Trust (Property Owner), herein the “Petitioners”. The specific parcels included in the annexation petition are:

- Parcel 020-1085-30-000
- Parcel 020-1085-20-000

The annexation area totals 37.26 acres and is located to the east of Hudson city limits, in the Town of Hudson, along Vine Street and Carmichael Road. There are zero residents within the territory as the existing home is vacated and will be removed as part of the development process.

*Figure 1. Parcels Requested for Annexation*





Chapter 9 of the City's Municipal Code governs all annexations of land to the City of Hudson. The purpose of this chapter is to create a policy to assist the Common Council in deciding whether to annex territory not presently within the City. The provisions of this chapter are guidelines, and each annexation proposal will present unique characteristics, so that the guidelines set forth in this chapter are to be considered but need not all be met for an annexation to be approved. Chapter 9 sets forth four factors to be considered in determining whether to approve an annexation of territory to the City:

- A. Location. Is the territory to be annexed fully contiguous to the City?
- B. Use. Is the present use or proposed use of the area proposed to be annexed compatible with the uses in the City adjacent to the territory proposed to be annexed?
- C. Capital Costs. The costs of providing capital improvements, as considered in the capital cost study described in § 9-4 of this chapter, shall be considered. Ordinarily an annexation will not be approved unless the owners of the property proposed to be annexed agree to pay the capital costs as shown by the capital cost study.
- D. Annual Budget Costs. The effect of the annexation on the annual budget of the City, including not only additional costs to serve the territory but also new revenues from real estate taxes, anticipated business license fees, sales taxes and other revenues from the area, shall be considered, all as to be shown on the budget study provided in § 9-5 of this chapter.

In addition to these local annexation petition review guidelines, Wisconsin State Statute 66.0217 provides a number of other regulations related to the review and approval of petitions for annexation.

The purpose of this memo is to summarize how the Petition meets the factors under Chapter 9 and State Statute regulations under 66.0217.

Attached to the end of this report are the following exhibits as referenced throughout this report:

- 1. Exhibit A, Petition for Annexation, dated October 18, 2018
- 2. Exhibit B, Wisconsin Department of Administration Annexation Review Questionnaire, dated XXXXX, 2019
- 3. Exhibit C, Wisconsin Department of Administration, Municipal Boundary Review, dated XXXXX, 2019
- 4. Exhibit D, Hearth Development, Land Use Plan, dated October 18, 2018
- 5. Exhibit E, Hearth Development, Concept Site Plan, dated January 15, 2019
- 6. Exhibit F, SEH Capital Cost Study, dated XXXXX, 2019
- 7. Exhibit G, MSA Budget Study, dated February 5, 2019
- 8. Exhibit H, Real Estate Property Tax Bills for 2018, Parcel # 020-1085-20-000 and 020-1085-30-000

## Review of Annexation Requirements under Wis. Statute 66.0217 and 66.0221

- ✖ Complete Annexation Petition. City staff have determined that the annexation petition is incomplete. While the petition includes the required “Scale Map” (showing the existing city limits in relation to the proposed annexation territory) the required legal description does not meet the requirements under 66.0217(1)(c). The territory being annexed must be described by metes and bounds commencing from a monument corner of the ¼ section in which the territory lies. The Petitioners provided a legal description for each parcel but not the outer perimeter of the entire area. Under state statute lands may not be described only by aliquot part. Staff have notified the Petitioners of the need for a revised legal description and are expecting to receive the required document prior to Council action on the annexation petition.
- ✓ Wisconsin Department of Administration, Municipal Boundary Review. Proposed annexations in counties with a population of 50,000 or more are subject to review by the WDOA Municipal Boundary Review Department. The DOA provides a non-binding opinion regarding whether the proposed annexation is in the public interest. To make that determination the DOA considers:
  - Whether the governmental services to be supplied to the territory, including zoning, could clearly be better supported by the town in which the territory lies or by another city or village whose boundaries are contiguous to the territory proposed for annexation which adopts, by a two-thirds vote of its members, a resolution indicating its willingness to annex the area if it receives a valid petition for annexation, and files a certified copy of the resolution with the circuit court; and
  - The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.

As noted in the attached letter, Exhibit C, the DOA has found.....TBD.

- ✓ Rule of Reason. The rule of reason is a judicially created rule designed to prevent arbitrary and capricious municipal annexations. The rule is an integral part of Wisconsin annexation law but is not mentioned in the statutes. Under the rule, an annexation ordinance may be invalidated by a court if it is determined to be arbitrary and capricious and therefore in violation of the rule of reason. The rule of reason considers three factors:
  - Exclusions and irregularities in boundary lines must not be the result of arbitrariness. Staff has determined that the proposed annexation does not include any exclusions or irregularities in boundary lines. The annexation includes only parcels owned by the Edna F. L. Atwood Revocable Trust and the City is not one of the Petitioners. In addition, the Petition does not exclude or include other territory that might result in irregular or arbitrary municipal boundaries; the territory in the petition is an unexceptional shape.
  - Some reasonable present or demonstrable future need for the annexed property must be shown. The Petitioners have included in their Petition copies of a Land Use Plan (Exhibit D) and Concept Site Plan (Exhibit E) which indicate their intentions to develop the property for mixed-uses with urban services that can only be provided by the City. The

City's Comprehensive Plan Future Land Use Map identifies the area in the Petition for future City growth and development.

- No other factors must exist which would constitute an abuse of discretion. City staff has determined that no other factors exist which constitute an abuse of discretion related to the Petition.
- ✓ Town Islands. Section 66.0221(1) prohibits municipalities from using their annexation powers to create town islands. Staff finds that the boundaries of the proposed annexation will not create any Town Islands.
- ✓ Temporary Zoning. Section 66.0217(8)(a) provides that an ordinance to approve an annexation petition may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a temporary classification, the proposed classification shall be referred to and recommended by the plan commission. Under Chapter 255, Article II, Section B of the City's Zoning Code all territory annexed to the City which at the time of annexation was not a part of the extraterritorial zoning area shall, at the time of annexation, receive a temporary zoning classification as authorized under s. 66.0217(8)(a).
  - The properties are currently zoned "Residence" under the Town of Hudson Zoning Code and include one single family home and agricultural fields and are not located in any City extraterritorial zoning district.
  - Based on the existing uses of the property, City staff recommends temporarily zoning the properties in the Petition to the City's AR-Agricultural Residential zoning district as part of the annexation ordinance. The Agricultural Residential District is designed to provide for limited large lot, low-density residential development in a rural lifestyle, where agricultural uses can be continued and where orderly growth and sanitary facilities may be extended with zoning district changes at some future date. Future rezoning of the properties after annexation is anticipated to occur in conjunction with requests for future land divisions and site plan approvals. It is at that time that rezoning to residential, commercial, or planned development districts will be considered.

### **Review of Annexation Guidelines under Chapter 9 of the City's Municipal Code**

- ✓ Location. Is the territory to be annexed fully contiguous to the City? The territory to be annexed is fully contiguous to the City.
- ✓ Use. Is the present use or proposed use of the area proposed to be annexed compatible with the uses in the City adjacent to the territory proposed to be annexed? Exhibit D illustrates the proposed uses of property in the Petition area. Based on the annexation petition the Petitioners are proposing:
  - 21.58 acres of Single and Two Family Residential ( 1-6 units/acre, 129 units max)
  - 7.58 acres of Medium Density Residential (6-16 units/acre, 121 units max)
  - 8.10 acres of Neighborhood Commercial

Figure 2 and Exhibit E provides a more detailed conceptual site plan. The Petitioners are proposing five commercial lots along Carmichael Road. Specific users or tenants have not been finalized to date for the commercial properties but the lots are 1.5-2 acres in size. The middle portion of the site includes approximately 10 acres for two apartment sites and supporting stormwater basins and open space. If this area is developed with a maximum of 121 units the net density will be 1.12 units/acre. The western portion of the site is proposed for 43 single family lots (typ. 7,500-9,000 sq.ft. lots) for a total net density of 4.9 units per acre. Note, the description in Exhibit A indicates this area could be single or two family residential; however, Exhibit E identifies this area as single family residential. If all lots developed as two family the net density would be 9.9 units per acre. The southern portion of the site includes a proposed three acre neighborhood park. Excluding the commercial areas of the development the gross density of proposed residential development is approximately 6.0-7.6 units per acre.

Figure 2. Petitioners Proposed Uses of Property



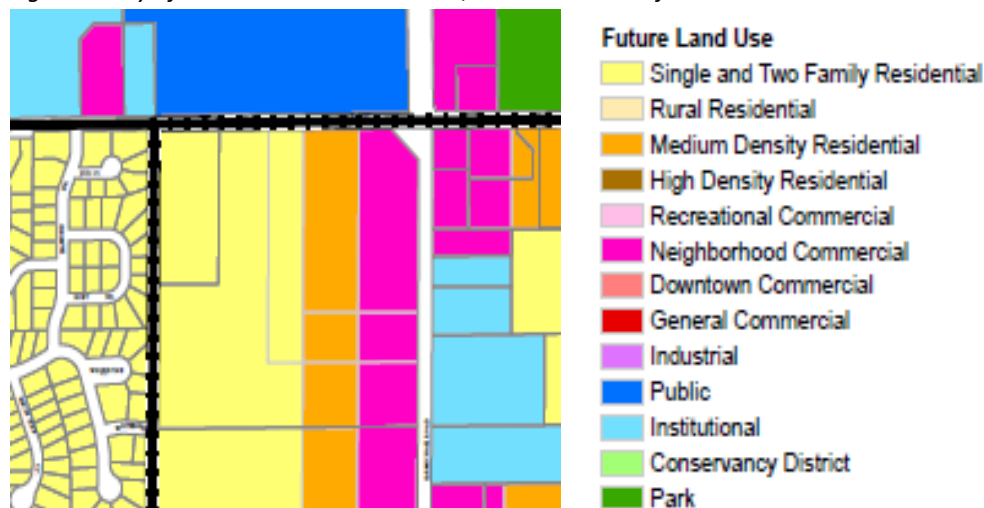
Existing uses of property in the City adjacent to the territory proposed to be annexed include:

- North – Government/Institutional, St. Croix County Offices
- East – Single family residential with net density of approximately 3.8 units per acre
- South – Open space (not within City limits)
- West – Faith Community Church and single family residential (not within City limits)

Bordering transportation facilities include Vine Street (CTH UU) and Carmichael Road. Both roadways are designated as a principal arterial roadways in the City's 2030 Master Plan. Vine Street is one of two east/west connections north of I-94 in the City and provides access to several of the city's residential neighborhoods and the High School. The portion of Vine Street adjacent to the annexation site is a two lane undivided rural section (i.e. no curb, gutter or sidewalks) Carmichael Road is one of two connections across I-94 and one of two full accesses to I-94 in the City. Carmichael Road adjacent to the annexation site is a two lane undivided rural section. Existing retail development on the west side of Carmichael Road is less than a half-mile south of the proposed annexation area.

The Figure 3 identifies the future land use designations of the parcels in the Petition as shown in the City's adopted 2030 Master Plan (print date 3/27/2015). The Comprehensive Plan envisions the eastern half of the property as Single and Two Family Residential (up to 6 units per acre) with these uses buffered from the planned Neighborhood Commercial uses along Carmichael Road by Medium Density Residential development (6 to 16 dwelling units per acre).

*Figure 2. City of Hudson 2030 Master Plan, Future Land Use for Petition Area*



In City staff's opinion, the proposed uses of the area proposed to be annexed are compatible with the existing uses in the City adjacent to the territory proposed to be annexed. In addition, the proposed land uses are also consistent with the Comprehensive Plan Future Land Use Map for the City.

- ✓ Capital Costs. The costs of providing capital improvements, as considered in the capital cost study described in §9-4, shall be considered. Ordinarily an annexation will not be approved unless the owners of the property proposed to be annexed agree to pay the capital costs as shown by the capital cost study. Attached to this report is a Capital Cost Study prepared by the SEH. The Capital Study describes the estimated cost of off-site and oversized watermain, sanitary sewer mains, storm sewer mains, storm water management facilities, transportation facilities and any other capital costs related to serving a proposed annexation. The Study does not include anticipated costs for on-site improvements including watermain, sanitary sewer mains, storm sewer mains, stormwater management facilities and transportation facilities, which will be constructed by the Developer, except to the extent that these improvements will need to be oversized to support



adjacent future development areas. Table 1 provides a summary of the total Atwood property prorated share of future capital costs.

**Insert Table 1**

Per §9-4B, it is the policy of the City to have a binding commitment from the owners to pay the capital costs, or the owners' proportionate share of the capital costs, for the property to be annexed. In the absence of strong circumstances to indicate a contrary decision, territory will not ordinarily be annexed to the city unless the owners of the land to be annexed agree to pay their proportionate share of the capital costs, as prescribed by the Common Council policy on assessments. The Petitioners have been notified of the capital costs relating to the proposed annexation and the annexation agreement will include the Petitioners requirement to pay a proportionate share of the capital costs.

- ✓ Annual Budget Costs. The effect of the annexation on the annual budget of the City, including not only additional costs to serve the territory but also new revenues from real estate taxes, anticipated business license fees, sales taxes and any other municipal revenue anticipated to be received from the territory proposed to be annexed, including a statement as to the fiscal impact of increased population under the state shared-revenue formulas, shall be considered, all as to be shown on the budget study provided in § 9-5. Attached to this report is a Budget Study prepared by MSA. Table 2 below provides a summary of the Budget Study.

Table 2. Budget Study	
Estimated Sources of Annual Revenue	
Property Taxes	\$ 248,550
Business License Fees	\$ -
Personal Property Taxes	\$ 1,548
Total	\$ 250,098
Estimated Additional Costs to Annual Operations Budget	\$ 79,245
Estimated Impact to State-Shared Revenue	\$ -
Estimated Net Revenue	\$ 170,853

Per §9-5, the territory may be annexed whether the costs exceed the estimated revenues or whether the estimated revenues exceed the estimated costs.

### **Payment of Annexation Fee and Deposit under Chapter 9-7 of the City's Municipal Code**

The application fee and deposit have been paid by the Petitioners.

### **Payment of Real Estate Tax to Town under Chapter 9-8 of the City's Municipal Code**

- ✓ Payment of Real Estate Tax to Town. Under §9-8, in addition to other costs a landowner shall be required to pay as a condition of annexation, the City of Hudson shall require landowners petitioning for annexation to pay the amount of town tax required in Wis. Stat. § 66.0217. The City shall require the landowner(s) to pay the full five-year amount of the tax in one lump sum

prior to approval of the annexation ordinance. The requirement to pay said amount may also be included in the development or annexation agreement entered into between the property owner and the City as a condition of annexation. If, at the time of annexation, the tax roll is not final for the year of the annexation, the City shall estimate the amount due. If the estimated amount is different from the final amount, an adjustment shall be made with either the landowner paying the difference to the City, or the City refunding the difference to the landowner(s) shall be considered.

Attached to this report as Exhibits H are the real estate property tax bills for 2018 for the annexation parcels. Combined the amount of real estate taxes paid to the Town were \$307.40. The estimated 5-year payment is therefore \$1,537. The Petitioners requirement to pay the actual 5-year real estate tax to the Town amount will be included in the annexation agreement.



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**TO:** Plan Commission

**FROM:** Community Development

**DATE:** February 26, 2019

**SUBJECT:** Recommendation to the Common Council to set a public hearing date for an amendment to Municipal Code, Chapter 255, Zoning, to include small animal or reptile education businesses.

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**BACKGROUND:**

Current City of Hudson zoning code does not directly address business associated with small animal or reptile education. Example proposed businesses include classroom-style education and programs. The City has received inquiries from persons with interest in developing these types of businesses in the City of Hudson. These types of businesses may be beneficial to the City of Hudson if located in appropriate areas that are compatible with surrounding land uses. In order to perform these uses, it is proposed that businesses will need to receive a Certificate of Compliance or Conditional Use Permit.

Following the recommendation of setting a public hearing date, the Community Development Department will draft an amendment to the zoning code table of permitted uses.

**STAFF RECOMMENDATION:**

Recommends the Plan Commission recommend the Common Council set a public hearing date to consider a municipal code amendment.

**ACTION REQUESTED:**

Recommend the Common Council set a public hearing date of April 8, 2019 to consider a municipal code amendment.

**ATTACHMENTS:**

Example Business Proposal

Prepared by: Emily Sorenson, Community Development Clerk  
Through: Mike Johnson, AICP, Community Development Director



February 18, 2019

We plan on designing the business so that it's a combination of a retail store and reptile education center. The retail store would sell reptile care supplies as well as live lizards, snakes and turtles that are legal to own in the state of Wisconsin.

The educational portion would be in the same building, but contain enclosures displaying various reptiles and amphibians in their native environments to show visitors how they live in the wild. We plan on creating interpretive signs to teach visitors fun facts about these animals, as well as reasons why they're important to protect in the wild. Basically, why snakes/reptiles are helpful and shouldn't be killed.

Under the supervision of a trained employee, some of the animals would be taken out for visitors to touch and learn about up close. These would of course be trained animals only, a mixture of both Wisconsin-native and non-native species of reptiles and amphibians.

I have an insurance policy that covers all of my animals for my hands-on programs, which would be amended to cover them at the facility as well (upon approval by the City of Hudson to move forward with this).

Overall, this business would strive to share a positive learning environment to debunk the misconceptions about reptiles and amphibians. They truly are amazing and fascinating animals! With their rise in popularity, we can properly educate the public about their care and preservation in the wild.



Emily Roberts  
Snake Discovery LLC: Fun and Educational Reptile Programs